

Ready for the

Step by step, Montana lays the groundwork for resuming state management of grizzly bears. **By Tom Dickson**

There's no question that large carnivores are thriving in Montana. The Treasure State is home to roughly 15,000 black bears, 4,000 mountain lions, 1,500 grizzly bears, and 1,000 wolves. Whether that's too many or too few, however, is a question argued in cafes and bars across the state.

Montana residents have mixed feelings about living and working in what could be dubbed Big Carnivore Country. Lions and grizzly bears can pose a threat to human safety. Wolves, lions, and grizzlies prey on game animals like deer and elk, and they sometimes kill livestock. Yet for many Montanans, large carnivores represent the untamed spirit of a state whose official mammal is the grizzly and whose wildlife agency has the bear's head as its logo. Large carnivores also indicate healthy ecosystems that support abundant wildlife and provide scenic, wild areas to hike, camp, hunt, and fish.

Other than grizzly bears, Montana can't claim to have the most of each species in the Lower 48. Roughly 30,000 black bears reside in California, Oregon has 6,000 mountain lions, and 2,700 wolves live in Minnesota. But no state south of the Canadian border has such healthy populations of all four major predators.

Part of Montana's carnivore conservation success comes from its massive geographic size (150,000 square miles) and relatively sparse human population (1.1 million residents). Intact ecosystems not laced with housing and fences support the deer, elk, and bighorn sheep that sustain carnivore populations. And the state's relatively few roads allow predators to move about more freely without being hit by vehicles or

illegally shot by poachers.

Much credit also goes to Montana residents who tolerate the presence of bears, lions, and wolves as long as their safety and businesses aren't threatened. If they didn't, the state would have far fewer large carnivores than it does.

As Montana takes significant steps forward to gain management authority over grizzly bears—federally protected for most of the past five decades—state wildlife officials are pointing to their successful track record with other large carnivores as proof that the Great Bear will be in good hands. Officials with Montana Fish, Wildlife & Parks say the agency is internationally recognized for its mountain lion, black bear, and gray wolf stewardship, which includes regulated hunting seasons.



Grizzly bear
Ursus arctos horribilis

Listed as threatened in 1975 under the Endangered Species Act

“We’ve proved we can sustain healthy populations of other large carnivores over the past half-century, and we’re committed to doing the same with grizzlies as we safeguard people’s lives and livelihoods,” says Ken McDonald, head of FWP’s Wildlife Division.

ESA credibility

When Congress passed the Endangered Species Act (ESA) in 1973, lawmakers intended it to protect and recover imperiled species and the critical habitats where they live. But they did not foresee imposing federal protections forever. “The law’s ultimate goal is to ‘recover’ species so they no longer need protection under the ESA,” according to the U.S. Fish & Wildlife Service’s (USFWS) website.

McDonald argues that it’s good for all wildlife to remove a species from the endangered or threatened species list once its population recovers, as the USFWS did with the peregrine falcon and bald eagle. “The ESA is already under attack by many members of Congress,” McDonald says. “Every year that recovered grizzly populations stay on the list just gives them more ammo to claim the ESA is broken and try to overturn the law. It also weakens local support and cooperation for listing other species.”

Twice in recent years (2007 and 2017), the USFWS delisted the Greater Yellowstone Ecosystem (GYE) grizzly population in and around Yellowstone National Park. But bear-advocacy groups successfully sued to reverse those decisions, and federal courts put the grizzly back on the list of federally threatened species. The Northern Continental Divide Ecosystem (NCDE) grizzly population, meanwhile, has exceeded federal recovery criteria

Handoff



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for the past two decades.

On this, the ESA's 50th anniversary, the USFWS is considering delisting the GYE and NCDE grizzly bears. In February 2023, the agency announced it was reviewing Montana's, Wyoming's, and Idaho's regulatory safeguards to determine if they are adequate to merit removing federal protections from the two grizzly populations.

Delisting conditions

Under the ESA, the federal government can't relinquish management oversight unless states show they have solid safeguards. That's why the USFWS has set strict conditions for Montana to gain management authority over the NCDE population and its share of the GYE population.

One, the habitat must be healthy and abundant, and be protected so it will remain so. "That's definitely true," McDonald says. The 13,000-square-mile NCDE has more intact grizzly bear habitat—including four protected wilderness areas—than any other state in the Lower 48, and the 35,000-square-mile GYE is one of the world's largest remaining intact temperate zone ecosystems.

Two, the grizzly populations must be maintained at or above a viable size and be well distributed within the ecosystem. That standard has also been met. McDonald says studies by the U.S. Geological Survey and FWP show that the NCDE population is robust and growing steadily at a healthy 2.3 percent each year, more than doubling in the past two decades to roughly 1,200 bears. "The population is also connected to Canadian grizzlies to the north, which increases genetic connectivity and health," he adds.

The GYE population reached the initial federal recovery goal of 500 in the early 2000s and today is estimated at roughly 1,100 bears.

Three, the USFWS insists that Montana continue reducing conflicts to help keep humans safe and bear populations healthy. FWP has met this condition in large part with department bear management specialists who work with landowners, town residents, and community leaders. FWP hired its first bear specialist in 1984, and as grizzly

Tom Dickson is the Montana Outdoors editor.



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populations have grown and expanded, the agency has added others in areas between core populations where bears are spreading. "This has been a huge and growing commitment by our department to get staff on the ground to help reduce conflicts and the need to lethally remove bears," McDonald says. Bear specialists now work out of Kalispell, Libby, Missoula, Anaconda, Hamilton, Choteau, Conrad, Bozeman, and Red Lodge.

Sometimes she and other bear manage-

ment specialists have to relocate a bear elsewhere or, with a particularly troublesome grizzly, euthanize it. "But relocating or euthanizing a bear is just a temporary solution that doesn't address the root cause of the problem of people leaving out unsecured attractants accessible to bears that become food conditioned," Vallieres says.

Neil Anderson, regional wildlife supervisor in Kalispell, says the specialists have been essential to grizzly recovery. "When we can help resolve conflicts and show that people can stay safe and live their lives, we build trust in our agency and a tolerance of bears," he says. "Those people may still not like bears, but they see that we are doing all we can to reduce the problems they are having."

In addition, FWP bear management specialists work with more than a dozen nonprofit groups to reduce bear conflicts. The Big Hole Watershed Committee, for instance, employs a range rider to keep bears away from cattle and operates a livestock carcass collection station. The Flathead Valley-based Great Bear Foundation organizes volunteers to pick up fallen plums, cherries, and apples that attract bears to orchards and residential areas.

Another major ESA delisting condition is that states establish "adequate regulatory mechanisms" (state laws and regulations) that replace federal oversight and ensure grizzly populations remain healthy, connected, and above levels that would trigger relisting. To that end, the 2023 Montana Legislature passed SB 295, which would take effect upon grizzly bear delisting. Among other things, the legislation requires the Montana Fish and Wildlife Commission to adopt "administrative rules" outlining guidelines for when bears can and can't be killed.

The new Montana law also dictates that the number of bears killed for any reason can't exceed mortality thresholds outlined by the Statewide Grizzly Bear Management Plan, which will direct state grizzly bear management. The thresholds take into account the health of grizzly populations and their habitats. As it develops regulations this summer, the commission will set quotas for how many bears may be killed each year by livestock owners protecting their animals.

"The quotas will ensure that only a small percentage of the population could be lethally removed annually, so that we can safeguard the grizzly's recovery," McDonald says. "At the same time, the legislation gives livestock producers assurances that they can protect their livestock, up to a point, while also emphasizing the effectiveness of non-lethal protections."

Mostly business as usual

For the most part, wildlife officials maintain, state grizzly management would continue as it has under federal authority. McDonald says Montana is committed to sustaining grizzly bear recovery in the NCDE and GYE. Montana is cooperating with Idaho and Wyoming to ensure that management in the GYE is coordinated and that combined mortalities remain below limits that the three

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states jointly agree will ensure healthy grizzly populations. Furthermore, the new Montana law states that, whether the species is delisted or not, Montana will increase its efforts to find new ways for

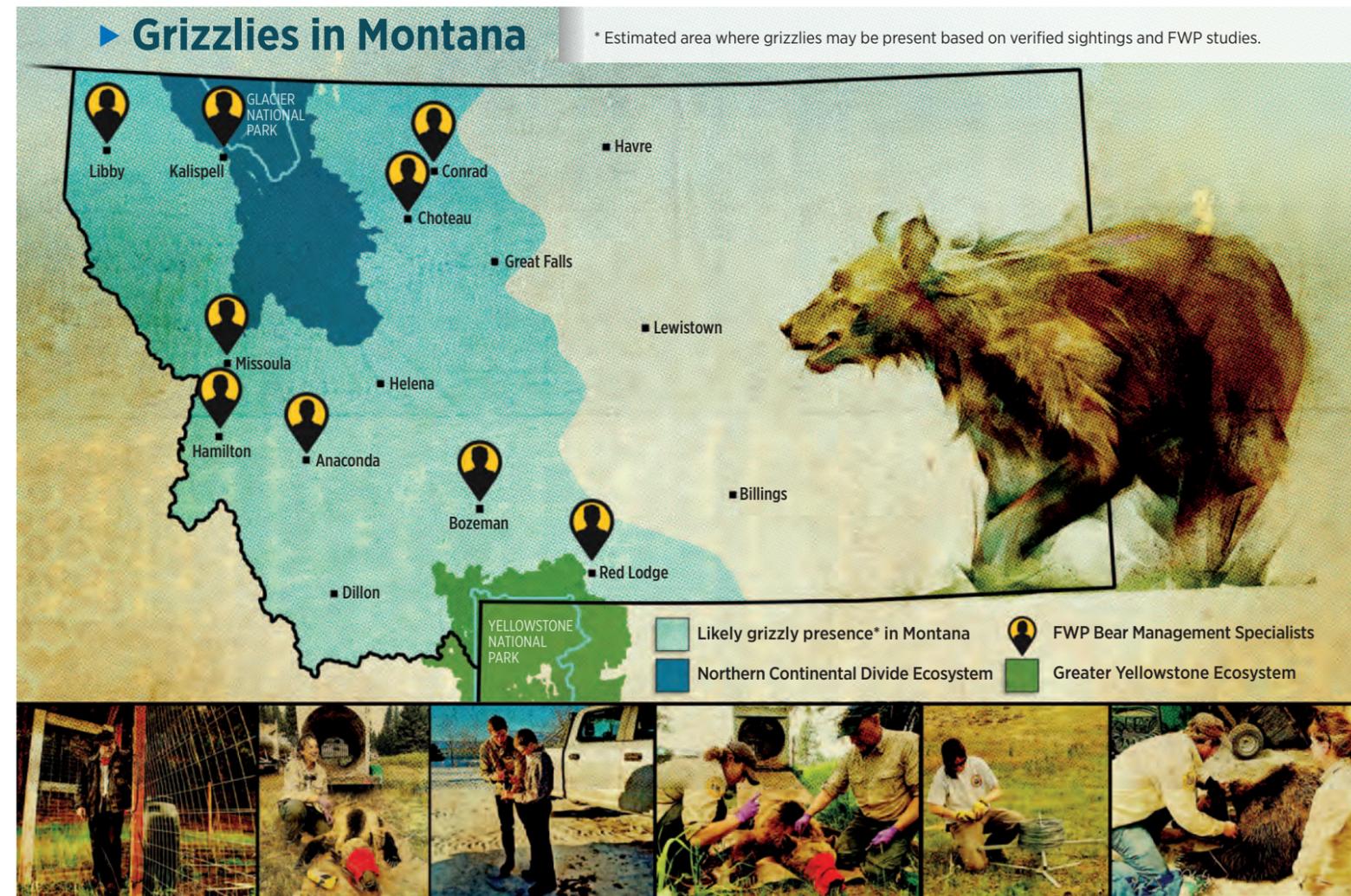
bears from recovered populations to mingle and reproduce. The state will also continue supporting populations in the Cabinet-Yaak and Bitterroot recovery areas.

McDonald notes that FWP is hiring two new specialists this summer to trap, in the NCDE and surrounding areas, grizzlies that have no history of conflict and relocate them to suitable sites in the GYE. "The goal is to ensure genetic mixing and continued genetic health," he says.

Lethal removal

The greatest controversy over possible delisting concerns the killing of grizzlies. Some Montanans want to see more of it; others demand no lethal removal whatsoever.

Killing some bears has always been an unfortunate but necessary part of grizzly management and recovery, says Greg Lemon,



head of FWP public affairs. He notes that over the past decade, the USFWS has okayed the lethal removal of roughly 14 “nuisance” grizzlies in Montana each year. In most cases, state or federal specialists have trapped and euthanized troublesome bears to protect people or livestock, such as when a grizzly has repeatedly broken into cabins or attacked sheep, then returned after being relocated. “In each instance, the USFWS has signed off when lethal removal was necessary,” Lemon says. Meanwhile, grizzly bear populations have grown beyond recovery goals in both the NCDE and GYE.

In most cases, bear management specialists trap problem bears and relocate them elsewhere. But prime grizzly habitat far from where people live and raise livestock is already full. As more and more people move to the Montana countryside, relocation sites are increasingly hard to find.

Under current federal law it is legal to kill a grizzly in self-defense, but not to protect livestock being attacked. Under state management, a bear may be killed if it is “in the act of attacking or killing” livestock, and neither the USFWS nor FWP will need to approve a rancher killing a bear in that scenario—unless that year’s mortality quota has been reached. But state wildlife officials would need to authorize lethal removal before anyone killed a bear that was *threatening* livestock or if they believed a bear was *threatening* their or their family’s safety (as opposed to actually attacking).

“The administrative rules and the new legislation outline the circumstances under which lethal removal can and can’t take place for delisted grizzly bears,” Lemon says. “They provide certainty for the federal government, as well as for Montanans living with delisted bears, no matter where they reside in grizzly country, about what will happen when Montana takes on management responsibilities.”

McDonald adds that securing mortality

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safeguards in state regulations is a major step in reassuring the USFWS and federal courts once grizzlies are delisted. “Putting laws into place for delisted bears is the ultimate commitment by state government,” he says. “It strongly signals how seriously Montana takes its responsibility to maintain grizzly recovery.”

Safeguards and reassurances

As for an eventual grizzly hunting season, McDonald says it would not occur unless FWP was certain state management was conserving the bear populations and maintaining healthy genetic connectivity while adequately responding to livestock conflicts. “Even if hunting is reinstated down the road,” McDonald says, “the harvest quota would be

small—likely just a few bears per year—and would be restricted any time other mortalities, such as a need to lethally remove bears threatening livestock, increased.”

McDonald notes that all human-related grizzly mortality will continue to be carefully tracked, as it is now, to ensure the health of bear populations. “Allowing mortality for the purpose of hunting would be a lower priority after first addressing human health risks, threats to livestock, and property damage.”

Even with such assurances, not everyone is on board to delist. As with previous USFWS attempts, bear-advocacy groups and individuals have expressed skepticism that state management would sustain healthy, stable populations in the Greater Yellowstone and Northern Continental Divide ecosystems.

Dustin Temple, FWP director, says he appreciates opponents’ concerns but points to the state’s new grizzly management plan, interagency conservation strategies, additional bear specialists, strong track record managing other large carnivores, and new

1975: Grizzlies are listed as a threatened species in Lower 48 under the Endangered Species Act. Management authority transferred from states to USFWS for recovery.

1975: Estimated size of GYE population: 136. Estimated size of NCDE population: fewer than 200.

1973: Congress passes Endangered Species Act

1970: Yellowstone National Park installs bearproof trash containers and bans visitors from feeding bears.

1967: On the same day, two hikers are killed in Glacier National Park in separate incidents, marking the park’s first fatal grizzly maulings.

1959: At the request of YNP, scientists Frank and John Craighead begin a 12-year study of grizzly bears. Their research shows that garbage has become the most important food for Yellowstone grizzlies.

1940s: Garbage dumps in Yellowstone remain open, but all public viewing areas are closed, and sanctioned bear feeding ends.



1940s



1930s

1930s: Grizzly bears, mostly viewed as nuisances or vermin, are reduced to less than 2% of their historic range in the contiguous United States. Most of this remaining range is in and around Glacier and Yellowstone national parks.

1923: Montana declares the grizzly bear a state game animal protected with hunting seasons and limits, the first state to do so.

1921: Montana bans the use of bait or dogs for grizzly hunting.

1920s



1982: USFWS establishes Grizzly Bear Recovery Plan.



1970s



1960s

1950s: Montana Fish and Game continues grizzly bear survey projects.



1950s

1942: Montana Fish and Game adopts a grizzly bear image for its agency logo.

1941: The Montana Department of Fish and Game conducts its first grizzly bear survey.

Major Federal Grizzly Actions and Events

2023: USFWS announces that it’s again considering removing NCDE and GYE populations from the threatened species list.

2022: Estimated size of NCDE population: 1,200.

2022: Estimated size of GYE population: 1,100.

2018: USFWS declares NCDE population recovered but decides not to delist due to federal court ruling on GYE population earlier that year.

2018: Federal court puts GYE grizzlies back on endangered species list.

2017: USFWS delists GYE grizzlies for a second time.

2017: GYE population reaches 700 bears, 40% above recovery goal.

2011: More than 800 grizzlies are estimated to live in the NCDE.

2010: USFWS appeals relisting, maintaining that GYE bears are recovered.

2009: Federal court puts GYE grizzlies back on endangered species list.

2007: USFWS delists grizzlies in GYE.

2006: USFWS revises Grizzly Bear Recovery Plan.

2004: U.S. Geological Survey estimates NCDE population at 673 bears, exceeding recovery goal of 500.

2003: GYE population reaches recovery goal of 500 bears.

1993: USFWS updates the Grizzly Bear Recovery Plan, outlining population objectives for six recovery areas, four in Montana.

1990s



1984: FWP hires bear management specialist in Choteau.

1983: Montana Legislature designates the grizzly bear as Montana’s official state animal.

1983: Montana joins newly formed Interagency Grizzly Bear Committee to help coordinate federal, state, and tribal interests to recover grizzlies.

1970s: Major research is conducted in the 1970s with the Border Grizzly Bear Study led by Chuck Jonkel, and the East Front Grizzly Bear Study led by Keith Aune. These were followed by the South Fork of the Flathead River Study under Rick Mace and a study in the Mission Mountains by Chris Servheen.

legislation as proof that Montana can be trusted. “We’ll keep doing everything that we’ve done over the years to recover grizzlies to make sure they stay recovered,” he says.

Perhaps the most important safeguard is the ESA itself. If Montana were to fail in its commitment to grizzly bears and drive populations too low, or allow dangerous threats to grizzlies or their habitat, the USFWS could relist the species. If that ever happened, Montana would lose its credibility with the federal wildlife agency and the American people. When Congress passed the ESA, it didn’t intend endless federal oversight over recovered species. But it made sure that any state hoping to regain management authority over a listed species would have to not just promise but actually prove it deserves that responsibility. 🐻

Montana Grizzly Actions and Events

2023: Fish and Wildlife Commission will adopt state regulations limiting grizzly mortality quotas to sustainable levels.

2023: Legislature passes SB 295, instituting state regulatory mechanisms that safeguard grizzly populations and replace federal oversight.

2022: FWP produces draft Statewide Grizzly Bear Management Plan.

2022: FWP hires bear management specialist in Red Lodge.

2021: FWP hires bear management specialist in Butte/Anaconda.

2021: FWP hires bear management specialist in Hamilton.

2020: FWP hires bear education coordinator in Helena.

2019: Montana surveys residents on attitudes toward grizzly bears.

2019: Montana creates Grizzly Bear Conservation and Management Advisory Council consisting of Montana residents to advise on management policy.

2018: Fish and Wildlife Commission adopts state rule saying Montana will manage for a total population of at least 1,000 bears in the NCDE.

2017: FWP hires bear management specialist in Conrad.

TODAY



2014: After U.S. Geological Survey study in 2004 shows NCDE population at 765 bears, FWP completes 10-year survey showing population growing at 2.3% annually.

2013: FWP produces Southwestern Montana Grizzly Bear Management Plan.

2007: FWP hires bear management specialist in Libby.

2006: Montana produces Western Montana Grizzly Bear Management Plan.

2003: GYE recovery goals met for the sixth year in a row.

2001: FWP hires bear management specialist in Missoula.



2000s

1996: FWP hires bear management specialist in Kalispell.

1993: FWP hires bear management specialist in Bozeman.

1992: USFWS ends Montana’s ability to hunt grizzlies, citing lack of evidence that harvest is not harming the NCDE population.

1991: FWP Commission omits grizzly bear hunting season from biennial regulations for 1992–1993.

